

FIRST REGULAR SESSION

HOUSE BILL NO. 815

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHWADRON.

1631H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, and to enact in lieu thereof seven new sections relating to elections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.302, 115.427, and 115.652, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, 115.283, 115.285, 115.291, 115.427, and 115.652, to read as follows:

115.277. 1. **(1) Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place without providing a reason for the need to vote absentee.**

(2) Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot **by mail** for all candidates and issues for which such voter ~~would be~~ is eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

~~(1)~~ **(a)** Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

~~(2)~~ **(b)** Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

~~(3)~~ **(c)** Religious belief or practice;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 ~~[(4)]~~ (d) Employment as an election authority, as a member of an election authority, or
16 by an election authority at a location other than such voter's polling place;

17 ~~[(5)]~~ (e) Incarceration, provided all qualifications for voting are retained; **or**

18 ~~[(6)]~~ (f) Certified participation in the address confidentiality program established under
19 sections 589.660 to 589.681 because of safety concerns~~;~~ ~~or~~

20 ~~———— (7) For an election that occurs during the year 2020, the voter has contracted or is in an~~
21 ~~at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus~~
22 ~~2. This subdivision shall expire on December 31, 2020].~~

23 2. Any covered voter who is eligible to register and vote in this state may vote in any
24 election for federal office, statewide office, state legislative office, or statewide ballot initiatives
25 by submitting a federal postcard application to apply to vote by absentee ballot or by submitting
26 a federal postcard application at the polling place even though the person is not registered. A
27 federal postcard application submitted by a covered voter pursuant to this subsection shall also
28 serve as a voter registration application under section 115.908 and the election authority shall,
29 if satisfied that the applicant is entitled to register, place the voter's name on the voter registration
30 file. Each covered voter may vote by absentee ballot or, upon submitting an affidavit that the
31 person is qualified to vote in the election, may vote at the person's polling place.

32 3. Any interstate former resident may vote by absentee ballot for presidential and vice
33 presidential electors.

34 4. Any intrastate new resident may vote by absentee
35 ballot at the election for presidential and vice presidential electors, United States senator,
36 representative in Congress, statewide elected officials and statewide questions, propositions and
37 amendments from such resident's new jurisdiction of residence after registering to vote in such
38 resident's new jurisdiction of residence.

39 5. Any new resident may vote by absentee ballot for presidential and vice presidential
40 electors after registering to vote in such resident's new jurisdiction of residence.

41 ~~[(6. For purposes of this section, the voters who are in an at-risk category for contracting~~
42 ~~or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:~~

43 ~~———— (1) Are sixty-five years of age or older;~~

44 ~~———— (2) Live in a long-term care facility licensed under chapter 198;~~

45 ~~———— (3) Have chronic lung disease or moderate to severe asthma;~~

46 ~~———— (4) Have serious heart conditions;~~

47 ~~———— (5) Are immunocompromised;~~

48 ~~———— (6) Have diabetes;~~

49 ~~———— (7) Have chronic kidney disease and are undergoing dialysis; or~~

50 ~~———— (8) Have liver disease.]~~

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority shall accept applications by facsimile transmission and by electronic mail within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot **if casting an absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277**, the address to which the ballot is to be mailed[,] if mailing is requested, and for absent uniformed services and overseas applicants, the applicant's email address if electronic transmission is requested. If the reason for the applicant voting absentee is due to the reasons established under **paragraph (f) of subdivision [(6)] (2)** of subsection 1 of section 115.277, the applicant shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, address at which he or she is or would be registered, and address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. ~~[Except as provided in subsection 3 of section 115.281,]~~ All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission, by electronic mail, or by a guardian or relative after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark,

37 witnessed by the signature of an election official or person of his or her own choosing. Any
38 person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be
39 guilty of a class one election offense.

40 5. (1) Notwithstanding any law to the contrary, any resident of the state of Missouri who
41 resides outside the boundaries of the United States or who is on active duty with the Armed
42 Forces of the United States or members of their immediate family living with them may request
43 an absentee ballot for both the primary and subsequent general election with one application.

44 (2) The election authority shall provide each absent uniformed services voter and each
45 overseas voter who submits a voter registration application or an absentee ballot request, if the
46 election authority rejects the application or request, with the reasons for the rejection.

47 (3) Notwithstanding any other law to the contrary, if a standard oath regarding material
48 misstatements of fact is adopted for uniformed and overseas voters pursuant to the Help America
49 Vote Act of 2002, the election authority shall accept such oath for voter registration, absentee
50 ballot, or other election-related materials.

51 (4) Not later than sixty days after the date of each regularly scheduled general election
52 for federal office, each election authority which administered the election shall submit to the
53 secretary of state in a format prescribed by the secretary a report on the combined number of
54 absentee ballots transmitted to, and returned by, absent uniformed services voters and overseas
55 voters for the election. The secretary shall submit to the Election Assistance Commission a
56 combined report of such information not later than ninety days after the date of each regularly
57 scheduled general election for federal office and in a standardized format developed by the
58 commission pursuant to the Help America Vote Act of 2002. The secretary shall make the report
59 available to the general public.

60 (5) As used in this section, the terms "absent uniformed services voter" and "overseas
61 voter" shall have the meaning prescribed in 52 U.S.C. Section 20310.

62 6. An application for an absentee ballot by a new resident shall be submitted in person
63 by the applicant in the office of the election authority in the election jurisdiction in which such
64 applicant resides. The application shall be received by the election authority no later than 7:00
65 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed
66 in duplicate in the presence of the election authority or any authorized officer of the election
67 authority, and in substantially the following form:

68 "STATE OF _____
69 COUNTY OF _____, ss.

70 I, _____, do solemnly swear that:

71 (1) Before becoming a resident of this state, I resided at _____ (residence address)
72 in _____ (town, township, village or city) of _____ County in the state of _____;

73 (2) I moved to this state after the last day to register to vote in such general
 74 presidential election and I am now residing in the county of _____, state of Missouri;

75 (3) I believe I am entitled pursuant to the laws of this state to vote in the presidential
 76 election to be held November _____, _____ (year);

77 (4) I hereby make application for a presidential and vice presidential ballot. I have
 78 not voted and shall not vote other than by this ballot at such election.

79 Signed _____

80 (Applicant)

81 _____

82 (Residence Address)

83 Subscribed and sworn to before me this _____ day of _____, _____

84 Signed _____

85 (Title and name of officer authorized to administer oaths)"

86 7. The election authority in whose office an application is filed pursuant to subsection
 87 6 of this section shall immediately send a duplicate of such application to the appropriate official
 88 of the state in which the new resident applicant last resided and shall file the original of such
 89 application in its office.

90 8. An application for an absentee ballot by an intrastate new resident shall be made in
 91 person by the applicant in the office of the election authority in the election jurisdiction in which
 92 such applicant resides. The application shall be received by the election authority no later than
 93 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit,
 94 executed in duplicate in the presence of the election authority or an authorized officer of the
 95 election authority, and in substantially the following form:

96

97 "STATE OF _____

98 COUNTY OF _____, ss.

99

100 I, _____, do solemnly swear that:

101 (1) Before becoming a resident of this election jurisdiction, I resided at _____
 102 (residence address) in _____ (town, township, village or city) of _____ county in the state of
 103 _____;

104 (2) I moved to this election jurisdiction after the last day to register to vote in such
 105 election;

106 (3) I believe I am entitled pursuant to the laws of this state to vote in the election to
 107 be held _____ (date);

108 (4) I hereby make application for an absentee ballot for candidates and issues on
 109 which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote
 110 other than by this ballot at such election.

111 Signed _____

112 (Applicant)

113 _____

114 (Residence Address)

115 Subscribed and sworn to before me this _____ day of _____, _____

116 Signed _____

117 (Title and name of officer authorized to administer oaths)"

118 9. An application for an absentee ballot by an interstate former resident shall be received
 119 in the office of the election authority where the applicant was formerly registered by 5:00 p.m.
 120 on the second Wednesday immediately prior to the election, unless the application is made in
 121 person by the applicant in the office of the election authority, in which case such application shall
 122 be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state
 2 the voter's name, the voter's voting address, the voter's mailing address and, **if casting an**
 3 **absentee ballot pursuant to subdivision (2) of subsection 1 of section 115.277**, the voter's
 4 reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the
 5 reasons established under **paragraph (f) of subdivision [(6)] (2)** of subsection 1 of section
 6 115.277, the voter shall state the voter's identification information provided by the address
 7 confidentiality program in lieu of the applicant's name, voting address, and mailing address. On
 8 the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in
 9 the election, that the voter has not previously voted and will not vote again in the election, that
 10 the voter has personally marked the voter's ballot in secret or supervised the marking of the
 11 voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot
 12 envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it,
 13 and that all information contained in the statement is true. In addition, any person providing
 14 assistance to the absentee voter shall include a statement on the envelope identifying the person
 15 providing assistance under penalties of perjury. Persons authorized to vote only for federal and
 16 statewide officers shall also state their former Missouri residence.

17 2. **The statement for persons voting absentee ballots pursuant to subdivision (1) of**
 18 **subsection 1 of section 115.277 who are registered voters shall be in substantially the**
 19 **following form:**

20 "State of Missouri

21 County (City) of _____

22 I, _____ (print name), a registered voter of _____ County (City of St. Louis,
 23 Kansas City), hereby state under penalty of perjury that I am qualified to vote at this
 24 election; I have not voted and will not vote other than by this ballot at this election. I
 25 further state that I marked the enclosed ballot in secret or that I am blind, unable to read
 26 or write English, or physically incapable of marking the ballot, and the person of my
 27 choosing indicated below marked the ballot at my direction; all of the information on this
 28 statement is, to the best of my knowledge and belief, true.

29 _____	_____
30 Signature of Voter	Signature of Person
31	Assisting Voter
32	(if applicable)
33 Signed _____	Subscribed and sworn
34 Signed _____	to before me this
35 Address of Voter	___ day of ___, ____
36 _____	_____
37 _____	_____
38 Mailing address	Signature of notary or
39 (if different)	other officer
40	authorized to
41	administer oaths".

42 3. The statement for persons voting absentee ballots **under subdivision (2) of subsection**
 43 **1 of section 115.277** who are registered voters shall be in substantially the following form:

44 "State of Missouri
 45 County (City) of _____

46 I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas
 47 City), declare under the penalties of perjury that I expect to be prevented from going to the polls
 48 on election day due to (check one):

- 49 _____ absence on election day from the jurisdiction of the election authority in
 50 which I am registered;
- 51 _____ incapacity or confinement due to illness or physical disability, including
 52 caring for a person who is incapacitated or confined due to illness or disability;
- 53 _____ religious belief or practice;
- 54 _____ employment as an election authority or by an election authority at a
 55 location other than my polling place;
- 56 _____ incarceration, although I have retained all the necessary qualifications for
 57 voting;

58 _____ certified participation in the address confidentiality program established
59 under sections 589.660 to 589.681 because of safety concerns.

60 I hereby state under penalties of perjury that I am qualified to vote at this election; I have
61 not voted and will not vote other than by this ballot at this election. I further state that I marked
62 the enclosed ballot in secret or that I am blind, unable to read or write English, or physically
63 incapable of marking the ballot, and the person of my choosing indicated below marked the
64 ballot at my direction; all of the information on this statement is, to the best of my knowledge
65 and belief, true.

66	_____	_____
67	Signature of Voter	Signature of Person
68		Assisting Voter
69		(if applicable)
70	Signed _____	Subscribed and sworn
71	Signed _____	to before me this
72	Address of Voter	_____ day of _____, _____
73	_____	_____
74	_____	_____
75	Mailing addresses	Signature of notary or
76	(if different)	other officer
77		authorized to
78		administer oaths"

79
80 [3-] 4. The statement for persons voting absentee ballots pursuant to the provisions of
81 subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the
82 following form:

83
84 "State of Missouri
85 County (City) of _____

86 I, _____ (print name), declare under the penalties of perjury that I am a citizen of the
87 United States and eighteen years of age or older. I am not adjudged incapacitated by any court
88 of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of
89 suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to
90 law. I hereby state under penalties of perjury that I am qualified to vote at this election.

91 I am (check one):

92 _____ a resident of the state of Missouri and a registered voter in _____ County
93 and moved from that county to _____ County, Missouri, after the last day to register to vote in
94 this election.

95 _____ an interstate former resident of Missouri and authorized to vote for
96 presidential and vice presidential electors.

97 I further state under penalties of perjury that I have not voted and will not vote other than
98 by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read
99 or write English, or physically incapable of marking the ballot, and the person of my choosing
100 indicated below marked the ballot at my direction; all of the information on this statement is, to
101 the best of my knowledge and belief, true.

102 _____ Subscribed to and
103 Signature of Voter sworn before me this _____ day of
104 _____, _____

105 _____
106 _____
107 Address of Voter Signature of notary or
108 other officer
109 authorized to
110 administer oaths

111 _____
112 Mailing Address (if different) _____

113 _____
114 _____
115 Signature of Person Address of Last
116 Assisting Voter Missouri Residence
117 (if applicable)"

118 [4.] 5. The statement for persons voting absentee ballots who are entitled to vote at the
119 election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially
120 the following form:

121 "State of Missouri
122 County (City) of _____

123 I, _____ (print name), declare under the penalties of perjury that I expect to be prevented
124 from going to the polls on election day due to (check one):

125 _____ absence on election day from the jurisdiction of the election authority in
126 which I am directed to vote;

127 _____ incapacity or confinement due to illness or physical disability, including
 128 caring for a person who is incapacitated or confined due to illness or disability;
 129 _____ religious belief or practice;
 130 _____ employment as an election authority or by an election authority at a
 131 location other than my polling place;
 132 _____ incarceration, although I have retained all the necessary qualifications of
 133 voting;
 134 _____ certified participation in the address confidentiality program established
 135 under sections 589.660 to 589.681 because of safety concerns.

136 I hereby state under penalties of perjury that I own property in the _____ district and am
 137 qualified to vote at this election; I have not voted and will not vote other than by this ballot at
 138 this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable
 139 to read and write English, or physically incapable of marking the ballot, and the person of my
 140 choosing indicated below marked the ballot at my direction; all of the information on this
 141 statement is, to the best of my knowledge and belief, true.

142 _____ Subscribed and sworn
 143 Signature of Voter to before me this _____ day of
 144 _____,
 145 _____
 146 _____
 147 Address Signature of notary or
 148 other officer
 149 authorized to
 150 administer oaths
 151 _____
 152 Signature of Person
 153 Assisting Voter
 154 (if applicable)"

210 [5-] 6. The statement for persons providing assistance to absentee voters shall be in
 211 substantially the following form:

212 "The voter needed assistance in marking the ballot and signing above, because of
 213 blindness, other physical disability, or inability to read or to read English. I marked the ballot
 214 enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no
 215 other communication with the voter as to how he or she was to vote. The voter swore or affirmed
 216 the voter affidavit above and I then signed the voter's name and completed the other voter
 217 information above. Signed under the penalties of perjury.

218 Reason why voter needed assistance: _____

219 ASSISTING PERSON SIGN HERE

220 1. _____ (signature of assisting person)

221 2. _____ (assisting person's name printed)

222 3. _____ (assisting person's residence)

223 4. _____ (assisting person's home city or town)".

229 ~~[6. The election authority shall, for an election held during 2020, adjust the forms~~
 230 ~~described in this section to account for voters voting absentee due to the reason established~~
 231 ~~pursuant to subdivision (7) of subsection 1 of section 115.277.]~~

232 7. Notwithstanding any other provision of this section, any covered voter as defined in
 233 section 115.902 or persons who have declared themselves to be permanently disabled pursuant
 234 to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or
 235 signature on his or her absentee ballot.

236 8. Notwithstanding any other provision of this section or section 115.291 to the contrary,
 237 the subscription, signature and seal of a notary or other officer authorized to administer oaths
 238 shall not be required on any ballot, ballot envelope, or statement required by this section if the
 239 reason for the voter voting absentee is due to the reasons established pursuant to **paragraph (b)**
 240 **of** subdivision (2) ~~[or (7)]~~ of subsection 1 of section 115.277.

241 9. No notary shall charge or collect a fee for notarizing the signature on any absentee
 242 ballot or absentee voter registration.

243 10. A notary public who charges more than the maximum fee specified or who charges
 244 or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration
 245 is guilty of official misconduct.

115.285. The secretary of state may prescribe uniform regulations with respect to the
 2 printing of ballot envelopes and mailing envelopes, which shall comply with standards
 3 established by federal law or postal regulations. Mailing envelopes for use in returning ballots
 4 shall be printed with business reply permits so that any ballot returned by mail does not require
 5 postage. All fees and costs for establishing and maintaining the business reply and postage-free
 6 mail for all ballots cast shall be paid by the secretary of state through state appropriations.
 7 ~~[Notwithstanding any provision of law to the contrary, a ballot envelope used under section~~
 8 ~~115.302 shall be the same ballot envelope used for absentee ballots, provided an option shall be~~
 9 ~~listed on the envelope to clearly indicate whether the voter is casting an absentee ballot or a mail-~~
 10 ~~in ballot.]~~

115.291. 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot
 2 in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on
 3 the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed

4 and sworn to before the election official receiving the ballot, a notary public or other officer
5 authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or
6 confinement due to the provisions of section 115.284, illness or physical disability, ~~[for an~~
7 ~~election that occurs during the year 2020, the voter has contracted or is in an at-risk category for~~
8 ~~contracting or transmitting severe acute respiratory syndrome coronavirus 2, as defined in section~~
9 ~~115.277,]~~ or the voter is a covered voter as defined in section 115.902. If the voter is blind,
10 unable to read or write the English language, or physically incapable of voting the ballot, the
11 voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who
12 is not entitled to such assistance, and any person who assists a voter and in any manner coerces
13 or initiates a request or a suggestion that the voter vote for or against or refrain from voting on
14 any question, ticket or candidate, shall be guilty of a class one election offense. If, upon
15 counting, challenge or election contest, it is ascertained that any absentee ballot was voted with
16 unlawful assistance, the ballot shall be rejected. ~~[For purposes of this subsection, the voters who~~
17 ~~are in an at-risk category for contracting or transmitting severe acute respiratory syndrome~~
18 ~~coronavirus 2 are voters who:~~

- 19 ~~—— (1) Sixty-five years of age or older;~~
20 ~~—— (2) Live in a long-term care facility licensed under chapter 198;~~
21 ~~—— (3) Have chronic lung disease or moderate to severe asthma;~~
22 ~~—— (4) Have serious heart conditions;~~
23 ~~—— (5) Are immunocompromised;~~
24 ~~—— (6) Have diabetes;~~
25 ~~—— (7) Have chronic kidney disease and are undergoing dialysis; or~~
26 ~~—— (8) Have liver disease.]~~

27 2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast
28 by the voter in person in the office of the election authority shall be returned to the election
29 authority in the ballot envelope and shall only be returned by the voter in person, or in person by
30 a relative of the voter who is within the second degree of consanguinity or affinity, by mail or
31 registered carrier or by a team of deputy election authorities; except that covered voters, when
32 sent from a location determined by the secretary of state to be inaccessible on election day, shall
33 be allowed to return their absentee ballots cast by use of facsimile transmission or under a
34 program approved by the Department of Defense for electronic transmission of election
35 materials.

36 3. In cases of an emergency declared by the President of the United States or the
37 governor of this state where the conduct of an election may be affected, the secretary of state may
38 provide for the delivery and return of absentee ballots by use of a facsimile transmission device

39 or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of
40 voters as provided for by the secretary of state.

41 4. No election authority shall refuse to accept and process any otherwise valid marked
42 absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on
43 envelope type.

115.427. 1. Persons seeking to vote in a public election shall establish their identity and
2 eligibility to vote at the polling place, **or, if voting absentee in person under section 115.257,**
3 **at the office of the election authority,** by presenting a form of personal identification to election
4 officials. No form of personal identification other than the forms listed in this section shall be
5 accepted to establish a voter's qualifications to vote. Forms of personal identification that satisfy
6 the requirements of this section are any one of the following:

- 7 (1) Nonexpired Missouri driver's license;
- 8 (2) Nonexpired or nonexpiring Missouri nondriver's license;
- 9 (3) A document that satisfies all of the following requirements:
 - 10 (a) The document contains the name of the individual to whom the document was issued,
11 and the name substantially conforms to the most recent signature in the individual's voter
12 registration record;
 - 13 (b) The document shows a photograph of the individual;
 - 14 (c) The document includes an expiration date, and the document is not expired, or, if
15 expired, the document expired after the date of the most recent general election; and
 - 16 (d) The document was issued by the United States or the state of Missouri; or
- 17 (4) Any identification containing a photograph of the individual which is issued by the
18 Missouri National Guard, the United States Armed Forces, or the United States Department of
19 Veteran Affairs to a member or former member of the Missouri National Guard or the United
20 States Armed Forces and that is not expired or does not have an expiration date.

21 2. (1) An individual who appears at a polling place without a form of personal
22 identification described in subsection 1 of this section and who is otherwise qualified to vote at
23 that polling place ~~[may execute a statement, under penalty of perjury, averring that the individual~~
24 ~~is the person listed in the precinct register; averring that the individual does not possess a form~~
25 ~~of personal identification described in subsection 1 of this section; acknowledging that the~~
26 ~~individual is eligible to receive a Missouri nondriver's license free of charge if desiring it in order~~
27 ~~to vote; and acknowledging that the individual is required to present a form of personal~~
28 ~~identification, as described in subsection 1 of this section, in order to vote. Such statement shall~~
29 ~~be executed and sworn to before the election official receiving the statement. Upon executing~~
30 ~~such statement, the individual may cast a regular ballot, provided such individual presents one~~
31 ~~of the following forms of identification:~~

32 ~~—— (a) Identification issued by the state of Missouri, an agency of the state, or a local~~
33 ~~election authority of the state;~~

34 ~~—— (b) Identification issued by the United States government or agency thereof;~~

35 ~~—— (c) Identification issued by an institution of higher~~
36 ~~education, including a university, college, vocational and technical school, located within the~~
37 ~~state of Missouri;~~

38 ~~—— (d) A copy of a current utility bill, bank statement, government check, paycheck, or other~~
39 ~~government document that contains the name and address of the individual;~~

40 ~~—— (e) Other identification approved by the secretary of state under rules promulgated~~
41 ~~pursuant to this section.~~

42 ~~—— (2) For any individual who appears at a polling place without a form of personal~~
43 ~~identification described in subsection 1 of this section and who is otherwise qualified to vote at~~
44 ~~that polling place, the election authority may take a picture of such individual and keep it as part~~
45 ~~of that individual's voter registration file at the election authority.~~

46 ~~—— (3) Any individual who chooses not to execute the statement described in subdivision~~
47 ~~(1) of this subsection may cast a provisional ballot. Such provisional ballot shall be counted,~~
48 ~~provided that it meets the requirements of subsection 4 of this section.~~

49 ~~—— (4) For the purposes of this section, the term "election official" shall include any person~~
50 ~~working under the authority of the election authority.~~

51 ~~—— 3. The statement to be used for voting under subdivision (1) of subsection 2 of this~~
52 ~~section shall be substantially in the following form:~~

53

54 State of _____

55 County of _____

56 ~~—— I do solemnly swear (or affirm) that my name is _____; that I reside at _____; that I~~
57 ~~am the person listed in the precinct register under this name and at this address, and that, under~~
58 ~~penalty of perjury, I do not possess a form of personal identification approved for voting. As a~~
59 ~~person who does not possess a form of personal identification approved for voting, I~~
60 ~~acknowledge that I am eligible to receive free of charge a Missouri nondriver's license at any fee~~
61 ~~office if desiring it in order to vote. I furthermore acknowledge that I am required to present a~~
62 ~~form of personal identification, as prescribed by law, in order to vote.~~

63 ~~—— I understand that knowingly providing false information is a violation of law and subjects~~
64 ~~me to possible criminal prosecution.~~

65 _____

66 _____
Signature of voter

67 ~~——~~ Subscribed and affirmed before me this _____ day of _____, 20_____

68 _____
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 102 _____

Signature of election official"

4. A voter] shall be allowed to cast a provisional ballot ~~[under section 115.430 even if the election judges cannot establish the voter's identity under this section]~~ **pursuant to this subsection.** The election judges shall make a notation on the provisional ballot envelope to indicate that the voter's identity was not verified.

(2) No person described in subdivision (1) of this subsection shall be entitled to receive a provisional ballot until such person has completed a provisional ballot affidavit on the provisional ballot envelope, described in subdivision (3) of this subsection. All provisional ballots cast pursuant to this subsection shall be marked with a conspicuous stamp or mark that distinguishes them from other ballots.

(3) (a) The provisional ballot envelope shall be completed by the voter for use in determining the voter's eligibility to cast a ballot.

(b) The provisional ballot envelope shall provide a place for the voter's name, address, date of birth, and last four digits of his or her Social Security number, followed by a certificate in substantially the following form:

"I do solemnly swear that I am the person identified above and the information provided is correct. I understand that my vote will not be counted unless:

(1) I return to this polling place today between 6:00 a.m. and 7:00 p.m. and provide one of the following forms of identification:

(a) Nonexpired Missouri driver's license;

(b) Nonexpired or nonexpiring Missouri nondriver's license;

(c) A document that satisfies all of the following requirements:

a. The document contains my name, in substantially the same form as the most recent signature on my voter registration record;

b. The document contains my photograph;

c. The document contains an expiration date and the document is not expired, or if expired, the document expired after the date of the most recent general election; and

d. The document was issued by the United States or the state of Missouri; or

(d) Identification containing my photograph issued to me by the Missouri National Guard, the United States Armed Forces, or the United States Department of Veteran Affairs as a member or former member of the Missouri National Guard or the United States Armed Forces and is not expired or does not have an expiration date; or

103 **(2) The election authority verifies my identity by comparing my signature on this**
104 **envelope to the signature on file with the election authority and determines that I was**
105 **eligible to cast a ballot at this polling place; and**

106 **(3) This provisional ballot otherwise qualifies to be counted under the laws of the**
107 **state of Missouri.**

108

109 _____
110 **Signature of Voter**

_____ **Date**

111

112 _____
113 **Signature of Election Official"**

114

115 **Once voted, the provisional ballot shall be sealed in the provisional ballot envelope and**
116 **deposited in the ballot box.**

117 **3.** The provisional ballot cast by such voter shall not be counted unless:

118 (1) (a) The voter returns to the polling place during the uniform polling hours
119 established by section 115.407 and provides a form of personal identification that allows the
120 election judges to verify the voter's identity as provided in subsection 1 of this section; or

121 (b) The election authority verifies the identity of the individual by comparing that
122 individual's signature to the signature on file with the election authority and determines that the
123 individual was eligible to cast a ballot at the polling place where the ballot was cast; and

124 (2) The provisional ballot otherwise qualifies to be counted under section 115.430.

125 ~~[5. The secretary of state shall provide advance notice of the personal identification~~
126 ~~requirements of subsection 1 of this section in a manner calculated to inform the public generally~~
127 ~~of the requirement for forms of personal identification as provided in this section. Such advance~~
128 ~~notice shall include, at a minimum, the use of advertisements and public service announcements~~
129 ~~in print, broadcast television, radio, and cable television media, as well as the posting of~~
130 ~~information on the opening pages of the official state internet websites of the secretary of state~~
131 ~~and governor.~~

132 ~~6.]~~ **4.** (1) Notwithstanding the provisions of section 136.055 and section 302.181 to the
133 contrary, the state and all fee offices shall provide one nondriver's license at no cost to any
134 otherwise qualified voter who does not already possess such identification and who desires the
135 identification ~~[in order to vote]~~ **for voting.**

136 (2) This state and its agencies shall provide one copy of each of the following, free of
137 charge, if needed by an individual seeking to obtain a form of personal
138 identification described in subsection 1 of this section ~~[in order to vote]~~ **for voting:**

- 139 (a) A birth certificate;
140 (b) A marriage license or certificate;
141 (c) A divorce decree;
142 (d) A certificate of decree of adoption;
143 (e) A court order changing the person's name;
144 (f) A Social Security card reflecting an updated name; and
145 (g) Naturalization papers or other documents from the United States Department of State
146 proving citizenship.

147

148 Any individual seeking one of the above documents in order to obtain a form of personal
149 identification described in subsection 1 of this section ~~[in order to vote]~~ **for voting** may request
150 the secretary of state to facilitate the acquisition of such documents. The secretary of state shall
151 pay any fee or fees charged by another state or its agencies, or any court of competent jurisdiction
152 in this state or any other state, or the federal government or its agencies, in order to obtain any
153 of the above documents from such state or the federal government.

154 (3) ~~[All costs associated with the implementation of this section shall be reimbursed~~
155 ~~from the general revenue of this state by an appropriation for that purpose. If there is not a~~
156 ~~sufficient appropriation of state funds, then the personal identification requirements of subsection~~
157 ~~1 of this~~
158 ~~section shall not be enforced.~~

159 ~~——(4)] Any applicant who requests a nondriver's license for [the purpose of] voting shall~~
160 ~~not be required to pay a fee [if the applicant executes a statement, under penalty of perjury,~~
161 ~~averring that the applicant does not have any other form of personal identification that meets the~~
162 ~~requirements of this section]. The state of Missouri shall pay the legally required fees for any~~
163 ~~such applicant. [The director of the department of revenue shall design a statement to be used~~
164 ~~for this purpose. The total cost associated with nondriver's license photo identification under this~~
165 ~~subsection shall be borne by the state of Missouri from funds appropriated to the department of~~
166 ~~revenue for that specific purpose.] The department of revenue and a local election authority may~~
167 ~~enter into a contract that allows the local election authority to assist the department in issuing~~
168 ~~nondriver's license photo identifications.~~

169 ~~[7.]~~ **5.** The director of the department of revenue shall, by January first of each year,
170 prepare and deliver to each member of the general assembly a report documenting the number
171 of individuals who have requested and received a nondriver's license photo identification for the
172 purposes of voting under this section. The report shall also include the number of persons
173 requesting a nondriver's license for purposes of voting under this section, but not receiving such

174 license, and the reason for the denial of the
 175 nondriver's license.

176 ~~[8.]~~ 6. The precinct register shall serve as the voter identification certificate. The
 177 following form shall be printed at the top of each page of the precinct register:

178

179 VOTER'S IDENTIFICATION CERTIFICATE

180 Warning: It is against the law for anyone to vote, or attempt to vote, without having a lawful
 181 right to vote.

182 PRECINCT

183 WARD OR TOWNSHIP _____

184 GENERAL (SPECIAL, PRIMARY) ELECTION

185 Held _____, 20_____

186 Date

187 I hereby certify that I am qualified to vote at this election by signing my name and verifying my
 188 address by signing my initials next to my address.

271 ~~[9.]~~ 7. The secretary of state shall promulgate rules to effectuate the provisions of this
 272 section.

273 ~~[10.]~~ 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 274 created under the authority delegated in this section shall become effective only if it complies
 275 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 276 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 277 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
 278 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 279 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

280 ~~[11.]~~ 9. If any voter is unable to sign his name at the appropriate place on the certificate
 281 or computer printout, an election judge shall print the name and address of the voter in the
 282 appropriate place on the precinct register, the voter shall make his mark in lieu of signature, and
 283 the voter's mark shall be witnessed by the signature of an election judge.

284 ~~[12.] This section shall become effective only upon the passage and approval by the~~
 285 ~~voters of a constitutional amendment submitted to them by the general assembly regarding the~~
 286 ~~authorization of photo identification requirements for elections by general law. If such~~
 287 ~~constitutional amendment is approved by the voters, this section shall become effective June 1,~~
 288 ~~2017.]~~

115.652. ~~[1.]~~ An election shall not be conducted under sections 115.650 to 115.660

2 unless:

3 (1) The officer or agency calling the election submits a written request that the election
4 be conducted by mail. Such request shall be submitted not later than the date specified in section
5 115.125 for submission of the notice of election and sample ballot;

6 (2) The election authority responsible for conducting the election authorizes the use of
7 mailed ballots for the election;

8 (3) The election is nonpartisan;

9 (4) The election is not one at which any candidate is elected, retained or recalled; and

10 (5) The election is an issue election at which all of the qualified voters of any one
11 political subdivision are the only voters eligible to vote.

12 ~~[2. Notwithstanding the provisions of subsection 1 of this section or any other provision
13 of law to the contrary, an election may be conducted by mail as authorized under section
14 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe acute
15 respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.]~~

~~[115.302. 1. Any registered voter of this state may cast a mail-in ballot
2 as provided in this section. Nothing in this section shall prevent a voter from
3 casting an absentee ballot, provided such person has not cast a ballot pursuant to
4 this section. Application for a mail-in ballot may be made by the applicant in
5 person, or by United States mail, or on behalf of the applicant by his or her
6 guardian or relative within the second degree of consanguinity or affinity.~~

~~7 2. Each application for a mail-in ballot shall be made to the election
8 authority of the jurisdiction in which the person is registered. Each application
9 shall be in writing and shall
10 state the applicant's name, address at which he or she is registered, the address to
11 which the ballot is to be mailed.~~

~~12 3. All applications for mail-in ballots received prior to the sixth Tuesday
13 before an election shall be stored at the office of the election authority until such
14 time as the applications are processed under section 115.281. No application for
15 a mail-in ballot received in the office of the election authority after 5:00 p.m. on
16 the second Wednesday immediately prior to the election shall be accepted by any
17 election authority.~~

~~18 4. Each application for a mail-in ballot shall be signed by the applicant
19 or, if the application is made by a guardian or relative under this section, the
20 application shall be signed by the guardian or relative, who shall note on the
21 application his or her relationship to the applicant. If an applicant, guardian, or
22 relative is blind, unable to read or write the English language, or physically
23 incapable of signing the application, he or she shall sign by mark that is
24 witnessed by the signature of an election official or person of his or her choice.
25 Knowingly making, delivering, or
26 mailing a fraudulent mail-in-ballot application is a class one election offense.~~

~~27 5. Not later than the sixth Tuesday prior to each election, or within
28 fourteen days after candidate names or questions are certified under section~~

29 ~~115.125, the election authority shall cause to have printed and made available a~~
 30 ~~sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon~~
 31 ~~as possible after a proper official calls a special state or county election, the~~
 32 ~~election authority shall cause to have printed and made available a sufficient~~
 33 ~~quantity of mail-in ballots, ballot envelopes, and mailing envelopes.~~

34 ~~6. Each ballot envelope shall bear a statement in substantially the same~~
 35 ~~form described in subsection 9 of this section. In addition, any person providing~~
 36 ~~assistance to the mail-in voter shall include a signature on the envelope~~
 37 ~~identifying the person providing such assistance under penalties of perjury.~~
 38 ~~Persons authorized to vote only for federal and statewide offices shall also state~~
 39 ~~their former Missouri residence.~~

40 ~~7. The statement for persons voting mail-in ballots who are registered~~
 41 ~~voters shall be in~~
 42 ~~substantially the following form:~~

43 ~~State of Missouri~~
 44 ~~County (City) of _____~~
 45 ~~I, _____ (print name), a registered voter of _____ County (City of St.~~
 46 ~~Louis, Kansas City), declare under the penalties of perjury that: I am qualified~~
 47 ~~to vote at this election; I have not voted and will not vote other than by this ballot~~
 48 ~~at this election. I further state that I marked the enclosed ballot in secret or that~~
 49 ~~I am blind, unable to read or write English, or physically incapable of marking~~
 50 ~~the ballot, and the person of my choosing indicated below marked the ballot at~~
 51 ~~my direction; all of the information on this statement is, to the best of my~~
 52 ~~knowledge and belief, true.~~

53 _____
 54 ~~Signature of Voter~~ _____ ~~Signature of Person~~
 55 _____ ~~Assisting Voter~~
 56 _____ ~~(if applicable)~~

57 ~~Subscribed and sworn to before me this _____ day of _____,~~
 58 ~~_____.~~

59 _____
 60 ~~Signature of notary or other officer authorized to administer oaths.~~

61 _____
 62 _____
 63 ~~Mailing addresses~~
 64 ~~(if different)~~

65 ~~8. Upon receipt of a signed application for a mail-in ballot and if satisfied~~
 66 ~~that the~~
 67 ~~applicant is entitled to vote by mail-in ballot, the election authority shall, within~~
 68 ~~three working days after receiving the application, or, if mail-in ballots are not~~
 69 ~~available at the time the application is received, within five working days after~~
 70 ~~such ballots become available, deliver to the voter a mail-in ballot, ballot~~
 71 ~~envelope and such instructions as are necessary for the applicant to vote. If the~~

72 ~~election authority is not satisfied that any applicant is entitled to vote by mail-in~~
73 ~~ballot, the authority shall not deliver a mail-in ballot to the applicant. Within~~
74 ~~three working days of receiving such an application, the election authority shall~~
75 ~~notify the applicant and state the reason he or she is not entitled to vote by mail-~~
76 ~~in ballot. The applicant may file a complaint with the elections division of the~~
77 ~~secretary of state's office under section 115.219.~~

78 ~~9. On the mailing and ballot envelopes for each covered voter, the~~
79 ~~election authority shall stamp the words "ELECTION BALLOT, STATE OF~~
80 ~~MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".~~

81 ~~10. No information which encourages a vote for or against a candidate~~
82 ~~or issue shall be provided to any voter with a mail-in ballot.~~

83 ~~11. Upon receiving a mail-in ballot by mail, the voter shall mark the~~
84 ~~ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill~~
85 ~~out the statement on the ballot envelope. The statement required under~~
86 ~~subsection 7 of this section shall be subscribed and sworn to before a notary~~
87 ~~public or other officer authorized by law to administer oaths. If the voter is blind,~~
88 ~~unable to read or write the English language, or physically incapable of voting the~~
89 ~~ballot, the voter may be assisted by a person of the voter's own choosing. Any~~
90 ~~person who assists a voter and in any manner coerces or initiates a request or~~
91 ~~suggestion that the voter vote for or against, or refrain from voting on, any~~
92 ~~question or candidate, shall be guilty of a class one election offense. If, upon~~
93 ~~counting, challenge, or election contest, it is ascertained that any mail-in ballot~~
94 ~~was voted with unlawful assistance, the ballot shall be rejected.~~

95 ~~12. Each mail-in ballot shall be returned to the election authority in the~~
96 ~~ballot envelope and shall only be returned by the voter by~~
97 ~~United States mail.~~

98 ~~13. The secretary of state may prescribe uniform regulations with respect~~
99 ~~to the printing of ballot envelopes and mailing envelopes, which shall comply~~
100 ~~with standards established by federal law or postal regulations. Mailing~~
101 ~~envelopes for use in returning ballots shall be printed with business reply permits~~
102 ~~so that any ballot returned by mail does not require postage. All fees and costs~~
103 ~~for establishing and maintaining the business reply and postage-free mail for all~~
104 ~~ballots cast shall be paid by the secretary of state through state appropriations.~~

105 ~~14. All votes on each mail-in ballot received by an election authority at~~
106 ~~or before the time fixed by law for the closing of the polls on election day shall~~
107 ~~be counted. No votes on any mail-in ballot received by an election authority after~~
108 ~~the time fixed by law for the closing of the polls on election day shall be counted.~~

109 ~~15. If sufficient evidence is shown to an election authority that any mail-~~
110 ~~in voter has died prior to the opening of the polls on election day, the ballot of the~~
111 ~~deceased voter~~

112 ~~shall be rejected if it is still sealed in the ballot envelope. Any such rejected~~
113 ~~ballot, still sealed in its ballot envelope, shall be sealed with the application and~~
114 ~~any other papers connected therewith in an envelope marked "Rejected ballot of~~

115 ~~_____?, a mail-in voter of _____? voting district". The reason for~~
116 ~~rejection shall be noted on the envelope, which shall be kept by the election~~
117 ~~authority with the other ballots from the election until the ballots are destroyed~~
118 ~~according to law.~~
119 ~~_____ 16. As each mail-in ballot is received by the election authority, the~~
120 ~~election authority shall indicate its receipt on the list.~~
121 ~~_____ 17. All mail-in ballot envelopes received by the election authority shall~~
122 ~~be kept together in a safe place and shall not be opened except as provided under~~
123 ~~this chapter.~~
124 ~~_____ 18. Mail-in ballots shall be counted using the procedures set out in~~
125 ~~sections 115.297, 115.299, 115.300, and 115.303.~~
126 ~~_____ 19. The false execution of a mail-in ballot is a class one election offense.~~
127 ~~The attorney general or any prosecuting or circuit attorney shall have the~~
128 ~~authority to prosecute such offense either in the county of residence~~
129 ~~of the person or in the circuit court of Cole County.~~
130 ~~_____ 20. The provisions of this section shall apply only to an election that~~
131 ~~occurs during the year 2020, to avoid the risk of contracting or transmitting~~
132 ~~severe acute respiratory syndrome coronavirus 2.~~
133 ~~_____ 21. The provisions of this section terminate and shall be repealed on~~
134 ~~December 31, 2020, and shall not apply to any election conducted after that date.]~~

✓